

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DANESXY ORTEGA,

13 Defendant.

CASE NO. 2:22-cr-00176-LK

**ORDER DENYING MOTION FOR
NEW COUNSEL**

13 Defendant's motion for appointment of new counsel has been referred to the undersigned.
14 Dkt. 86. Defendant was arrested in October 2022, and was appointed an Assistant Federal
15 Defender (AFD). Dkt. 13. In June 2024 his AFD moved to withdraw. Dkt. 72. The Court granted
16 the motion in July 2024, and Gilbert Levy was appointed to represent Defendant. Dkt. 3. On
17 November 11, 2024, Mr. Levy filed a motion for new counsel on the grounds that "Defendant
18 has lost confidence in his counsel's ability to provide him with proper representation." Dkt. 86.
19 This is an insufficient basis to appoint new counsel.

20 The Sixth Amendment does not guarantee a criminal defendant the right to a "meaningful
21 attorney-client relationship." *See Morris v. Slappy*, 461 U.S. 1, 13-14 (1983). A conflict between
22 a criminal defendant and counsel violates the Sixth Amendment only when "where there is a
23 complete breakdown in communication between the attorney and client, and the breakdown

1 prevents effective assistance of counsel.” *Stenson v. Lambert*, 504 F.3d 873 (9th Cir. 2007)
2 (citation omitted). “Disagreements over strategical or tactical decisions do not rise to [the] level
3 of a complete breakdown in communication.” *Id.* at 886 (citation omitted). The Court
4 accordingly DENIES the motion for new counsel without prejudice.

5 DATED this 13th day of November, 2024.

6
7 
8 BRIAN A. TSUCHIDA
United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23